

DETAILED ACTION

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

1. **Claims 6, 8, 13-15, 17, 20-24 and 27-30 are allowed.**

5 **Claim 6** has been amended to include the allowable limitations of claim 12.

Likewise, **claim 14** has been amended to include the allowable limitations of claim 12.

Accordingly, these two claims are allowable over the cited prior art. **Claims 8, 13, 15 and 17** depend from claims 6 and 14 and are allowable for at least the same reasons.

Claims 20-24 and 27-30 are allowable for the same reasons set forth in the Non-Final

10 Rejection at 17, 09 August 2007. Note that claim 27 includes the allowable limitations of originally filed claim 30 ("wherein the predetermined reference level is an average audio level of audio files requested to be played"), now cancelled. Claim 20 includes the same limitations.

Any comments considered necessary by applicant must be submitted no later than
15 the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the
20 examiner should be directed to WALTER F. BRINEY III whose telephone number is (571) 272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
5 Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR. Status
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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you
have questions on access to the Private PAIR system, contact the Electronic Business
10 Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO
Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter F. Briney III/
Examiner
Art Unit 2614

15 10/21/08